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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/829,049
Filing Date: April 10, 2001
Appellant(s): WHITMARSH ET AL.

Robert C. Sismilich (Reg. No.: 41,314)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2-13-2006 appealing from the Office action
mailed 9-19-2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,832,298	Sanchez et al.	11-1998
6,232,968	Alimpich et al.	5-15-2001
GB 2 347 766	Wilson	9-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 31-34, 36-39, 41-45, and 47-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanchez et al., Patent # 5,832,298, hereinafter Sanchez.

10. With regard to claim 31, which teaches a network-based user interface system, comprising: an extensible resource interface located at a first network node and adapted for coupling to a plurality of client devices each located at one of a plurality of second network nodes different from the first network node, Sanchez teaches, in column 2, lines 31-36 and in figure 1, a resource interface, at a node in a network (such as at a server, see column 5, lines 29-38), that communicates with a plurality of resources, at a different node, over a network to provide updated configuration and capabilities information. With regard to claim 31, further teaching a register configured to collect resource information from one or more resources located at other than the first network node, Sanchez teaches, in column 2, lines 35-41, requesting and receiving configuration and capabilities information from a resource located at a different

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node in the network. With regard to claim 31, which further teaches, an options module configured to provide resource options based on the resource information, Sanchez teaches, in column 2, lines 41-47, generating a graphical user interface using the retrieved information, the interface providing a menu of job options. With regard to claim 31, further teaching a user profiler configured to construct profiles for at least some of the client devices, each profile indicative of client-specific resource options and a user interface builder configured to construct from the resource options and a particular one of the profiles a customized user interface for the corresponding one of the client devices, the customized user interface indicative of the corresponding client specific resource options, Sanchez teaches, in column 2, lines 41-61 and in column 11, lines 43-67 and in figure 10, generating a graphical user interface using the retrieved information, the interface providing a user selectable menu of job options for selecting job options which are appropriate for the current configuration and current capabilities of the device, and further providing a means of accepting information pertaining to a particular task of a particular user and configuring the peripheral device from the user's workstation in response to the user selected option. With regard to claim 31, further teaching providing the customized user interface to the corresponding one of the client devices over the network, Sanchez further teaches, in column 14, lines 20-25, receiving (by the server), from a network peripheral device, instructions as to how to create, build, and display a graphical user interface for the current configuration and current

capabilities of the networked peripheral device; and providing (by the server) for display on the client device the graphical image based on options of the peripheral device(s) (resource) and options of the client device (see column 5, lines 29-38 and column 2, lines 31-61). Where the server (in an embodiment of Sanchez) contains "some or all of the applications", applications including the "printer/facsimile driver and local device drivers" (see column 5, lines 29-38), where it is the "digital copier driver (that) includes a method for generating and displaying an adaptive graphical user interface" (see column 2, lines 31-33).

11. With regard to claim 32, which teaches the customized user interface being provided to the corresponding one of the client devices, Sanchez teaches, in column 2, lines 30-47, the customized user interface being transmitted to the client system for display.

12. With regard to claim 33, which teaches the customized user interface being retained by the user interface system, Sanchez teaches, in column 5, lines 29-43, the applications and drivers stored either on the computer or on a network file server.

13. With regard to claim 34, which teaches the first network being a node in a local area network, Sanchez teaches, in column 1, lines 5-16, the network being a Local Area Network.

14. With regard to claim 36, which teaches the customized user interface comprising a user interface to a printer driver, Sanchez teaches, in column 1, line 65 through column 2, line 11 and column 4, lines 23-26, a GUI for a printer driver.

15. With regard to claim 37, which teaches the customized user interface comprising a hierarchical menu of printer option screens, wherein one or more of the printer option screens is provided dynamically based on user preferences, printer capabilities, and user print option selection, Sanchez teaches, in column 2, lines 35-51 and column 12, lines 1-8, a user selectable menu of job options presented to the user, where options include user preferences, capabilities, and options selection.

16. With regard to claim 38, which teaches the user profiler is further configured to record the client-specific resource options preferred by individual ones of the client devices, Sanchez teaches, in column 2, lines 8-11, providing a listing of only the job options currently available.

17. With regard to claim 39, which teaches the user profiler is further configured to record the preferred client-specific resource options as usage metrics, Sanchez teaches, in column 2, lines 51-61, a storing of a user selectable option upon selection by a user, and adapting the display accordingly.

18. With regard to claim 41, which teaches the customized user interface is built when the corresponding one of the client device registers with the user interface system, Sanchez teaches, in column 13, line 41 through column 14, line 2 and column 14, lines 20-24, building the custom user interface when the request is made to use a networked peripheral device.

19. With regard to claim 42, which teaches the customized user interface is rebuilt when the corresponding one of the client device changes preferences, Sanchez teaches, in column 1, line 65 through column 2, line 11, keeping the graphical user

interface up to date which the current configuration and capabilities of the networked peripheral device.

20. With regard to claim 43, which teaches the one or more resources, being a plurality of resources, Sanchez teaches, in column 6, lines 37-44, the device being a multifunction peripheral device.

21. With regard to claim 44, which teaches the resources are printers, Sanchez teaches, in column 1, lines 31-37, the resource being a printer.

22. With regard to claim 45, which teaches each profile includes at least one of a printer type, a print language a print media size, or a print media layout, Sanchez teaches, in column 1, lines 31-37 and in column 12, lines 1-8, the GUI comprising printer type, the media size, and layout information.

23. With regard to claim 47, which teaches wherein the extensible resource interface further includes a logger configured to capture usage data of the resources by the client computer, Sanchez teaches, in column 2, lines 51-61, a storing (capturing) of a user selectable option upon selection by a user, and adapting the display accordingly.

24. With regard to claim 48, which teaches each of the client devices is a device selected from the group consisting of a computer, a computer system, a file server, or a handheld computing device, Sanchez teaches, in column 5, lines 5-16 and lines 35-38 and in figure 1, the client devices being a computer, a laptop, and a server.

25. With regard to claim 49, which teaches the other network node is a third network node different from the first network node and the plurality of second network nodes,

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Sanchez teaches, in column 5, lines 5-16 and in figure 1, a network comprising multiple nodes.

26. With regard to claim 50, which teaches the other network node is one of the plurality of second network nodes, Sanchez teaches, in column 5, lines 5-16 and in figure 1, a network comprising multiple nodes.

27. With regard to claim 51, which teaches the resource options are indicative of operational features of the resources, Sanchez teaches, in column 2, lines 1-10 and lines 35-51, the options being indicative of capabilities of the resource.

28. With regard to claim 52, which teaches a network based use interface system, comprising: an extensible resource interface located at a first network node and adapted for coupling to a plurality of client devices each located at one of the plurality of second network nodes different from the first network node, Sanchez teaches, in column 2, lines 31-36 and in figure 1, a resource interface, at a node in a network (such as at a server, see column 5, lines 29-38), that communicates with a plurality resources, at a different node, over a network to provide updated configuration and capabilities information. With regard to claim 52, further teaching means for collecting resource information from one or more resources located at other than the first network node, Sanchez teaches, in column 2, lines 35-41, requesting and receiving configuration and capabilities information from a resource located at a different node in the network. With regard to claim 52, further teaching means for providing to a particular one of the client devices a customized user interface for a particular one of the resources, the customized user interface based on the resource information and on user preferences

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associated with the particular one of the client devices, Sanchez teaches, in column 2, lines 41-61 and in column 11, lines 43-67 and in figure 10, generating a graphical user interface using the retrieved information, the interface providing a user selectable menu of job options for selecting job options which are appropriate for the current configuration and current capabilities of the device, and further providing a means of accepting information pertaining to a particular task of a particular user and configuring the peripheral device from the user's workstation in response to the user selected option. With regard to claim 31, further teaching providing the customized user interface to the corresponding one of the client devices over the network, Sanchez further teaches, in column 14, lines 20-25, receiving, from a network peripheral device, instructions as to how to create, build, and display a graphical user interface for the current configuration and current capabilities of the networked peripheral device; and providing (by the server) for display on the client device the graphical image based on options of the peripheral device(s) (resource) and options of the client device (see column 5, lines 29-38 and column 2, lines 31-61). Where the server (in an embodiment of Sanchez) contains "some or all of the applications", applications including the "printer/facsimile driver and local device drivers" (see column 5, lines 29-38), where it is the "digital copier driver (that) includes a method for generating and displaying an adaptive graphical user interface" (see column 2, lines 31-33). Where the server (in an embodiment of Sanchez) contains "some or all of the applications", applications including the "printer/facsimile driver and local device drivers" (see column 5, lines 29-

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38), where it is the "digital copier driver (that) includes a method for generating and displaying an adaptive graphical user interface" (see column 2, lines 31-33).

29. With regard to claim 53, which teaches means for recording usage metrics indicative of the user preferences, Sanchez teaches, in column 2, lines 51-61, a storing of a user selectable option upon selection by a user, and adapting the display accordingly.

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez and Wilson, GB 2,347,766.

32. With regard to claim 35, Sanchez teaches a user interface system that control resources coupled to a network (see column 2, lines 35-61). Sanchez, however, doesn't teach that the user interfaces system is an Internet web page. Wilson teaches a method of controlling multiple printers similar to that of Sanchez, but further teaches, in column 2, line 40, the use of a web page for displaying the printer interface. It would have been obvious to one of ordinary skill in the art, having the teachings of Sanchez and Wilson before him at the time the invention was made to modify the user interface system of Sanchez to include the ability to view the interface in the form of a web page,

as did Wilson. One would have been motivated to make such a combination because a web page printer interface could provide multiple users easy access to the printer without the need to download application programs.

33. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez and Alimpich et al., Patent #6,232,968, hereinafter Alimpich.

34. With regard to claim 40, Sanchez teaches, the system of providing user specific profile information to a remote device, but doesn't specifically mention the customized system being pre-built. Alimpich teaches a system for providing user specific options for print jobs similar to that of Sanchez (see column 2, lines 52 through column 3, line 45), however Alimpich further teaches a means of receiving a customized user interface pre-built (a default interface), see column 2, line 65. It would have been obvious to one of ordinary skill in the art, having the teachings of Sanchez and Alimpich before him at the time the invention was made to modify the system of Sanchez to provide a default interface to the clients. One would have been motivated to make such a combination because this would provide a good starting point to begin customization.

35. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez.

36. With regard to claim 46, which teaches a particular one of the client devices and a particular one of the resources are located at a same network node, wherein the user interface builder provides at least part of an application program associated with the particular resource to the particular client device wherein the application program is configured to control the particular resource, and wherein the customized user interface

is configured to access the application program, Sanchez teaches, in column 2, lines 31-36 an in figure 1, a resource interface, at a node in a network, that communicates with a plurality resources, at a different node, over a network to provide updated configuration and capabilities information, but doesn't specifically mention a case where a device is located locally to a resource. It would have been obvious to one of ordinary skill in the art, having the teachings of Sanchez before him at the time the invention was made to modify the interface system to provide support for local resources. One would have been motivated to make such a combination because most PCs provide support for local resource (printers, copiers, faxes) connected directly, and further provide access via the same interface that provides remote access to remote devices.

(10) Response to Argument

With respect to the arguments directed at the claims Appellant's arguments are focused on the limitations regarding generation of a user interface, for a peripheral device at one node and providing that interface to a separate network node. More specifically, as stated from representative Claim 31, the limitation argued is:

"an extensible resource interface located at a first network node and adapted for coupling to a plurality of client devices each located at one of a plurality of second network nodes different from the first network node, the extensible resource interface including a register configured to collect resource information from one or more resources located at other than the

first network node... a user interface builder configured to construct from the resource options and a particular one of the profiles a customized use interface for display by the corresponding one of the client devices"

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The claim, as interpreted by the examiner, pertains to a system where a node in a network accesses a resource to collect resource information and to generate a user interface for display by a client device at a different network node.

As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the Sanchez reference are within the scope of these limitations.

Sanchez teaches a server (first network node) that can be located on the Local Area Network (described in column 5, lines 29-44 and stated to not be shown, as in figure 1) that couples to a workstation (client device) (either device [11] or [12] of figure 1). The server collects status information of the peripheral

device(s) (resources) (either device [16] or [15] of figure 1) (see column 2, lines 38-41). Appropriate options being provided to a user based on capabilities of the peripheral device(s) (see column 2, lines 42-56); and based on user selected options from the workstation (see column 2, lines 42-56). Providing (by the server) for display on the client device the graphical image based on options of the peripheral device(s) (resource) and options of the client device. This is provided by the server, because the server (in an embodiment of Sanchez) contains "some or all of the applications", applications including the "printer/facsimile driver and local device drivers" (see column 5, lines 29-38), where it is the "digital copier driver (that) includes a method for generating and displaying an adaptive graphical user interface" (see column 2, lines 31-33).

The examiner will now address the individual arguments and statements made by Appellant.

Claims 31-43, 45-48, and 51:

From page 8 of the Appeal Brief, from the first paragraph, the Appellant argues that the examiners interpretation "The Sanchez reference does not disclose all the elements and limitations of appellants' independent claim 31 in that an extensible resource interface at a first network node that collects resource information from a resource located at other than the first network node, and that

provides a customized user interface to a client device at a second network node, is absent from the reference.”

The examiner respectfully contends that Sanchez teaches, in column 2, lines 51-61, downloading to a device, job option information based on both: a user selected job option and the configuration of the redisplayed representative image of the device. Sanchez further teaches, a reconfiguration of the peripheral device, from the user's workstation located remotely. Here, the server collects status information of the peripheral device(s) (resources) (either device [16] or [15]) (see column 2, lines 38-41). Appropriate options being provided to a user based on capabilities of the peripheral device(s) (see column 2, lines 42-56); and based on user selected options (see column 2, lines 42-56). Providing (by the server) for display on the client device (located at a different node in the LAN) the graphical image based on options of the peripheral device(s) (resource) and options of the client device. This is provided by the server, because the server (in an embodiment of Sanchez) contains “some or all of the applications”, applications including the “printer/facsimile driver and local device drivers” (see column 5, lines 29-38), where it is the “digital copier driver (that) includes a method for generating and displaying an adaptive graphical user interface” (see column 2, lines 31-33).

From page 10 of the Appeal Brief, from the second paragraph, the Appellant argues that the examiners interpretation “would place the register, and thus the

extensible resource interface, at the same network node as the user's workstation, which is the client device. This is contrary to the limitations recited in claim 31."

The examiner respectfully contends that the "register" is located at the server (where the interface is created) and provided to the workstation (either device [11] or [12]) located at a different network node.

Claim 44:

From page 14 of the Appeal Brief, from the fourth paragraph, the Appellant argues that "The Sanchez reference does not disclose all the elements and limitations of Appellants' dependent claim 44 in that an extensible resource interface at a first network node that collects resource information from a printer located at other than the first network node, and that provides a customized user interface to a client device at a second network node, is absent from the reference."

The examiner respectfully contends that this is essentially the same argument as that which is presented above in the argument regarding claim 13, please refer to the above answer along with this description of how it relates to figure 1. The figure shows a workstation (either device [11] or [12]), located on a Local Area network, along with peripheral device(s) (resources) (either device [16] or [15]), and a server (Sanchez states that this device is present, although not shown, see column 5, lines 35-44). It is easy to see from the figure and description on column 5, lines 35-44 that these three elements are located at different network nodes. The system operates by a peripheral

driver (see column 2, lines 31-35) generating and displaying a graphical user interface on a user workstation (see column 2, lines 31-61 and column 1, lines 65 through column 2, line 11), where the peripheral driver is located on a server (see column 5, lines 35-44). The peripheral driver receives current configuration and capabilities information from the peripheral device(s) and also entered menu options from the workstation (see column 2, lines 37-56). This server-generated interface is then provided to one of the workstations for display (see column 5, lines 29-44).

Claim 49:

From page 15 of the Appeal Brief, from the fourth paragraph, the Appellant argues that “The Sanchez reference does not disclose all the elements and limitations of Appellants’ claim 49 in that an extensible resource interface at a first network node that collects resource information from a resource located at a third network node, and that provides a customized user interface to a client device at a second network node, is absent from the reference.”

The examiner respectfully contends that the system of Sanchez has three distinct nodes: a first node of a server (Sanchez states that this device is present, although not shown, see column 5, lines 35-44); a second node of a workstation (either device [11] or [12]), located on a Local Area network; and a third node of peripheral device(s) (resources) (either device [16] or [15]). These three nodes are connected by the LAN [10] of figure 1.

Claim 50:

From page 16 of the Appeal Brief, from the fifth paragraph, the Appellant argues that “The Sanchez reference does not disclose all the elements and limitations of Appellants’ claim 50 in that an extensible resource interface at a first network node that collects resource information from a resource located at a second network node, and that provides a customized user interface to a client device at the second network node, is absent from the reference.”

The examiner respectfully contends that the claim states “the other network node is **one of the plurality of** second network nodes”, showing that the second network nodes can be at different network nodes. *“Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure.”* (see *In re Morris*). This allows for the same three node system described above, with a first node of a server (Sanchez states that this device is present, although not shown, see column 5, lines 35-44); a second node being a workstation (either device [11] or [12]), located on a Local Area network; and a third node of peripheral device(s) (resources) (either device [16] or [15]).

Claims 52 and 53:

From page 18 of the Appeal Brief, from the first paragraph, the Appellant argues that “The Sanchez reference does not disclose all the elements and limitations of Appellants’ independent claim 31 in that an extensible resource interface at a first network node that collects resource information from a

resource located at other than the first network node, and that provides a customized user interface to a client device at the second network node, is absent from the reference.”

The examiner respectfully contends that Sanchez teaches, in column 2, lines 51-61, downloading to a device, job option information based on both: a user selected job option and the configuration of the redisplayed representative image of the device. Sanchez further teaches, a reconfiguration of the peripheral device, from the user's workstation located remotely. Here, the server (extensible resource) collects status information of the peripheral device(s) (resources) (either device [16] or [15] of figure 1) (see column 2, lines 38-41). Appropriate options being provided to a user based on capabilities of the peripheral device(s) (see column 2, lines 42-56); and based on user selected options (see column 2, lines 42-56) from the workstation (client device) (either device [11] or [12] of figure 1). Providing (by the server) for display on the client device (located at a different node in the LAN) the graphical image based on options of the peripheral device(s) (resource) and options of the client device. This is provided by the server, because the server (in an embodiment of Sanchez) contains “some or all of the applications”, applications including the “printer/facsimile driver and local device drivers” (see column 5, lines 29-38), where it is the “digital copier driver (that) includes a method for generating and displaying an adaptive graphical user interface” (see column 2, lines 31-33).

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:



Dennis G. Bonshock
April 20, 2006



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